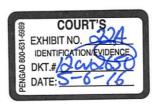
EASTERN DISTRICT OF NEW YORK		
	:	
THE HEMMERDINGER CORPORATION,	•	
d/b/a ATCO,	:	
	:	VERDICT SHEET
Plaintiff,	:	
	:	12-CV-2650 (WFK) (VMS)
v .	:	
	:	
FRANK M. RUOCCO, JR., BORIS A.	:	
TOMICIC, WILLIAM S. MCCAMBRIDGE,	:	
EARTH TECHNOLOGY, INC., RECYCLE	:	
TECHNOLOGY, LLC,	:	
	:	
Defendants.	:	
	5 × 1	
	X	

Nothing said in the Verdict Form is meant to suggest what your verdict should be. You alone have the responsibility to decide the verdict.

Verdict Form

WE, the jury, unanimously find, with respect to each question below, that the Plaintiff, THE HEMMERDINGER CORPORATION, D/B/A ATCO, [HAS / HAS NOT] satisfied its burden of proof.





Claim One - Fraud (Agains	st Tomicic and Mc	Cambridge)
(Select "yes" or "no" for each	h defendant)	Cambridge make a representation of fact?
Tomicic:	☑ YES	□ NO
McCambridge:	☑ YES	□ NO
•	move onto to quest	ndants, move on to question 2. If the answer is ion 2 for only that defendant. If the answer to ve on.
2. Was the representation fals		each defendant)
Tomicic:	☑ YES	□ NO
McCambridge:	☑ YES	□ NO
If the answer to question 2 is	YES for both defer move onto to quest	ion 3 for only that defendant. If the answer to ve on.
false, or did the Defendant T recklessly without regard to defendant)	omicic and/or Defe whether it was true	McCambridge know that the representation was ndant McCambridge make the representation or false? (Select "yes" or "no" for each
Tomicic:	☑ YES	□ NO
McCambridge:	YES	□ NO
If the answer to question 3 is	YES for both defer move onto to quest	ndants, move on to question 4. If the answer is ion 4 for only that defendant. If the answer to ve on.
4. Was the representation ma		emmerdinger Corporation? (Select "yes" or "no"
Tomicic:	YES	□ NO
McCambridge:	☑ YES	□ NO
If the answer to question 4 is	move onto to ques	ndants, move on to question 5. If the answer is tion 5 for only that defendant. If the answer to eve on.

5. Did the Hemmerdinger McCambridge's represen		rely on Defendant Tomicic's and/or Defendant "no" for each defendant)
Tomicic:		□ NO
McCambridge:	☑ YES	□ NO
	ant, move onto to questi	dants, move on to question 6. If the answer is on 6 for only that defendant. If the answer to love on.
for each defendant)		as a result of its reliance? (Select "yes" or "no"
Tomicic:	☑, YES	□ NO
Tomicic: McCambridge:	☑ YES	□ NO
•	ant, move onto to questi	dants, move on to question 7. If the answer is on 7. If the answer to question 6 was NO for
7. What was the monetary	y loss sustained by the I	Hemmerdinger Corporation due to this fraud?
Total Mor	netary Loss Sustained =	\$ 2,000.00
	•	

Claim Two – Racketeer Influenc 1962(c) (Against all Defendants)	ed and Corrupt Organ	nization Act (RICO) 18 U.S.C. §
1. Did a civil RICO enterprise exis	t among the defendants	
		If the answer to question 1 is NO, do
2. Did the enterprise affect intersta		
YES If the answer to question 2 is YES, not move on.	\square N move on to question 3.	IO If the answer to question 2 is NO, do
3. Was a defendant associated with	the enterprise? (Select	"yes" or "no" for each defendant)
Earth Technology:	☐ YES	□ NO
Frank M. Ruocco Jr.:	☐ YES	□ NO
Boris Tomicic:	☐ YES	□ NO
Recycle Technology:	☐ YES	□ NO
William McCambridge:	☐ YES	□ NO
If the answer to question 3 is YES YES for only certain defendants, n answer to question 3 was NO for a	nove onto to question 4	for only those defendants. If the
4. Did a defendant engage in a patt defendant)	ern of racketeering acti	vity? (Select "yes" or "no" for each
Earth Technology:	☐ YES	□ NO
Frank M. Ruocco Jr.:	☐ YES	□ NO
Boris Tomicic:	☐ YES	□ NO
Recycle Technology:	☐ YES	□ NO
William McCambridge:	☐ YES	□ NO
If the answer to question 4 is YES YES for only certain defendants, n answer to question 4 was NO for a	nove onto to question 5	for only those defendants. If the

5. Did a defendant conduct, or part racketeering activity? (Select "yes'			ough a pattern of
Earth Technology:	☐ YES		NO
Frank M. Ruocco Jr.:	☐ YES		NO
Boris Tomicic:	☐ YES		NO
Recycle Technology:	☐ YES		NO
William McCambridge:	☐ YES		NO
If the answer to question 5 is YES for only certain defendants, move question 5 was NO for all defendants	onto to question 6	for only those defendants	
6. Did the Plaintiff, the Hemmerdin enterprise's pattern of racketeering	•	one)	ury caused by the
☐ YES		□ NO	
If the answer to question 6 is YES, not move on.	, move on to quest	ion 7. If the answer to que	estion 5 is NO, do
7. What was the monetary loss sus of 18 U.S.C. § 1962(c)?	tained by the Hem	merdinger Corporation d	ue to this violation
Total Monetary Los	ss Sustained = \$		

Claim Three – Racketeer Influenced and Corrupt Organization Act (RICO) 18 U.S.C. § 1962(d) (Against all Defendants)		
1. Was there an agreement among taffect interstate commerce through YES	a pattern of rackete	to participate in an enterprise that would ering activity? (Select one)
If the answer to question 1 is YES, not move on.	move on to question	n 2. If the answer to question 1 is NO, do
2. Did a defendant knowingly and wino" for each defendant)	•	nember of the enterprise? (Select "yes" or
Earth Technology:	☑ YES	□ NO
	☑ YES	□ NO
Boris Tomicic:	☑ YES	□ NO
Recycle Technology:	☑ YES	□ NO
William McCambridge:	☐ YES	☑ NO
YES for only certain defendants, m answer to question 2 is NO, do not	nove onto to question move on.	
3. Did a defendant, or another mem racketeering acts? (Select "yes" or		cy, agree to commit at least two or more dant)
Earth Technology:	☑ YES	□ NO
Frank M. Ruocco Jr.:	✓ YES	□ NO
Boris Tomicic:	✓ YES	□ NO.
Recycle Technology:	YES	□ NO
William McCambridge: Another member:	☐ YES	□ ио
	ove onto to question	nove on to question 4. If the answer is n 4 for only those defendants. If the
4. Did the Plaintiff, the Hemmerdir enterprise's racketeering activity? (YES	-	b/a ATCO, suffer an injury caused by the
	move on to question	n 7. If the answer to question 4 is NO, do

not move on.

5. What was the monetary loss sustained by the Hemmerdinger Corporation due to this violation of 18 U.S.C. § 1962(d)?

Total Monetary Loss Sustained = \$ 334,766.98

Affirmative Defense - In Pari Delicto (Against Plaintiff)

1. Did the Plaintiff, the Hemmerdinger Co.	rporation, d/b/a ATCO, as a direct result of its own
actions, bear at least substantially equal re-	sponsibility for the violations alleged in this case?
(Select one)	
□ YES	⊠ NO

The Jury Foreperson should date and sign this Verdict Sheet and return to the Courtroom

Dated May 6, 2016

Signed:

Jury Foreperson